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LEE & HAYES, PLLC				
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SUITE 1400				
SPOKANE, WA 99201				
EXAMINER				
LONSBERRY, HUNTER B				
ART UNIT		PAPER NUMBER		
2421				
NOTIFICATION DATE		DELIVERY MODE		
06/10/2010		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

lhptoms@leehayes.com

Office Action Summary

Application No.

10/654,300

Applicant(s)

MOHR ET AL.

Examiner

Hunter B. Lonsberry

Art Unit

2421

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 March 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12, 31, 34-38 and 51-54 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12, 31, 34-38 and 51-54 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB06)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ ~~Notice of Informal Patent Application~~
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 3/2/10 have been fully considered but they are not persuasive.

Applicant argues that Davis fails to teach "applying at least one of capitalization rule and a spacing rule to a word obtained from a compressed EPG data". (Pages 26-28).

The Examiner notes that Nunberg is relied upon to teach the use of a rule, and it is Nunberg in combination with Davis which teaches each element of the claim. Further the Examiner notes that applicant has specifically failed to address any of Nunberg's teachings in the entirety of applicant's response. The Examiner notes that the independent claims were rejected with a 103 rejection and not a 102 rejection consisting solely of Davis's teachings.

Applicant argues that Davis fails to teach compressed EPG data (page 28).

The examiner notes that Davis teaches that the program listings may be ASCII or tightly packed binary files which the examiner equates to compressed files (see Davis at column 3, lines 57-59).

Applicant argues that applicant has not had an adequate chance to respond to the rejections of claims 5-8 as they contain elements different to that of claims 1-4. (Page 30).

The examiner notes that the cited sections in claims 1-4 equally apply to the limitations found in claims 5-8 as set forth in the non-final rejection. Applicant has had the opportunity to address these citations but has specifically chosen not to address any discussion of Nunberg. The Examiner made a prima facie case of obviousness in the rejection through the combination of references. The Examiner notes that any new arguments presented with regards to the Nunberg reference in any response after final could have been previously provided.

Applicant argues at paragraphs 16-18 that the office provides little to no explanation as to how the components of the cited reference correspond to the actual language, that the office has provided little to no reasoning for its rejections and that applicant is forced to make assumptions and guesses to the office's specific reasoning. (Pages 30-31).

The Examiner notes that applicant has failed to respond to any of Nunberg's teachings, nor any discussion of the Nunberg reference itself. It is those teachings on which the Examiner relied for teaching one of a capitalization or spacing rule. Further it

is the combination of Nunberg and Davis which is relied upon to teach applicant's invention. Applicant has failed to discuss any combination, limiting arguments solely to the Davis reference.

The Examiner notes that applicant's failure to traverse the Official Notices taken is viewed as admission of prior art.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-12, 31, 34-38 and 51-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over 5,576,755 to Davis in view of US 5,111,398 to Nunberg.

Regarding claim 1, Davis discloses a method comprising:

Applying a number of rules to check for proper sizing of text within an EPG cell, checking against a language database for inappropriate or missing language and makes corrections prior to the data being output (column 5, line 41-column 7, line 35, figures 2-4).

Davis is silent regarding utilizing a spacing and capitalization rule.

Nunberg discloses a parsing method (figure 10) which analyzes text for grammar, spelling, capitalization and spacing errors utilizing a number of rules. Documents are parsed and analyzed for punctuation structure (column 14, lines 1-67). A number of codes are assigned to the text data structure (column 16, lines 15-25), including space codes and carriage control codes. When an error is found, the error is presented to the user (figure 10, lines 24-45). Likewise the operations may be preformed automatically so that the correct number of spaces is inserted between words or sentences, each sentence automatically begins with a capital letter even if a previously capitalized word is deleted, like wise parenthesis and quotation marks may be checked so that there is always a matching set at the beginning and end of each set of terms. (column 26, line 60-column 27, line 33, column 28, lines 25-55), thus ensuring that there are fewer grammatical, spacing and capitalization errors and providing a more aesthetically pleasing experience for the user.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Davis EPG error checking features to include the spacing and capitalization features as taught by Nunberg for the above mentioned advantages.

Regarding claim 2, Nunberg, in combination with Davis is relied upon to teach each said capitalization rule specifies capitalizing a first character included in the obtained word based upon a condition selected from the group consisting of:

if said word encoding value that references the obtained word in the compressed EPG data immediately follows one said character encoding value in the compressed EPG data that indicates an end of a sentence or an end of a previous data string (column 26, line 60-column 27, line 33, column 28, lines 25-55); and

if said word encoding value that references the obtained word in the compressed EPG data is ordered as a first encoding value in a compressed data string included in the compressed EPG data (column 26, line 60-column 27, line 33, column 28, lines 25-55).

Regarding claim 3, Nunberg discloses a spacing rule which adjusts for spacing between words and checks punctuation to ensure that proper spacing is effected after the punctuation.

Nunberg does not specifically recite that a single space is inserted between two words, if a character references a letter or number a space is inserted before or after the character.

The Examiner takes official notice that automatic spacing which places spaces between characters that reference a letter or number is well known in the art. Automatic parsing systems which check these character values and insert spaces provide an aesthetically pleasing experience and increases readability and reduces confusion for the reader.

Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to modify Davis and Number to utilize spacing adjustment before or after characters that reference other letter or numbers for the above mentioned advantages.

Regarding claim 4, Nunberg discloses the use of a processor and memory which performs the modifications (column 6, lines 18-45) on a computer (figure 4).

Claims 5-12 substantially correspond to claims 1-4 as addressed above.

Claims 31 and 34-38 and 51-54 substantially correspond to claims 1-4 as addressed above. Davis also discloses a number of STBs in the system (column 2).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hunter B. Lonsberry whose telephone number is (571)272-7298. The examiner can normally be reached on Monday-Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Hunter B. Lonsberry/
Primary Examiner
Art Unit 2421

HBL